

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-857

November 24, 1998

MICHAEL D'ORAZIO V. YORK WATER DISTRICT
Appeal of Consumer Assistance Division
Decision, Complaint # 1998-6034

ORDER ON APPEAL

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we uphold the Consumer Assistance Division's October 29, 1998 decision and dismiss Mr. D'Orazio's complaint without further investigation.

II. DECISION

On November 4, 1998, Michael D'Orazio appealed a decision of Consumer Assistance Division (CAD) issued on October 29, 1998. Mr. D'Orazio disputes the usage in his initial water bill issued by the York Water District for his new residence. Mr. D'Orazio's first bill covered the period July 16 - August 6, 1998 and was for 2400 cubic feet of water. Mr. D'Orazio claims that strong evidence supports that the initial meter reading and bill are inaccurate.

CAD found that on July 16, the York Water district read the meter and a reading of 0 was recorded for the closing of the house sale. After, Mr. D'Orazio complained to the District about the high first bill, the District visited the residence and tested the meter. The meter was operating properly and the District discussed possible uses causing the bill to be higher than expected, including lawn watering and use by the contractor at a neighboring home.

There is no evidence that the District acted unreasonably in connecting the service, in taking the initial reading or in otherwise addressing Mr. D'Orazio's complaint. As stated in CAD's decision, absence evidence of a defective meter, the

customer is responsible for the cost of water once it passes through the meter.

Therefore, we will not investigate this matter further and we dismiss the appeal.

Dated at Augusta, Maine this 24th day of November, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

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